

DE 01-170

CENTRAL VERMONT PUBLIC SERVICE CORPORATION

Petition for License to Cross Public Waters in the Town of
Hinsdale, New Hampshire to the Vermont State Line at
Brattleboro, Vermont

Order Nisi Granting License to Construct and Maintain Fiber
Optic Cable Over and Across Public Waters

O R D E R N O. 23,810

October 19, 2001

The petitioner, Central Vermont Public Service Corporation (CVPS), filed on September 4, 2001, a petition under RSA 371:17 for a license to construct and maintain a fiber optic cable over and across the public waters of the Connecticut River in the Town of Hinsdale, New Hampshire to the Vermont State Line in Brattleboro, Vermont. On October 9, 2001, CVPS filed a corrected copy of the Petition, APPENDIX A, and the river crossing drawing.

In support of its petition, CVPS has stated that it is planning an upgrade of the reliability and capacity of its communication system in the electric system operations by the addition of fiber optic cable on the electric transmission lines covered by this crossing. CVPS had previously constructed and currently maintains a 115KV transmission line over and across public waters at the subject location under license by the Commission pursuant to RSA 371:17 in NHPUC

Docket No. D-E 4539, Order No. 8639. RSA 371:17 defines public waters as "all ponds of more than ten acres, tidewater bodies, and such streams or portions thereof as the Commission may prescribe." The commission has defined public waters as those streams which are commonly used for navigation, 35 NHPUC 94 (1953). The Commission and CVPS agree that the Connecticut River constitutes public waters.

CVPS intends to install an underbuilt all dielectric self-supporting fiber optic cable, known as ADSS cable. The ADSS cable will be installed on existing H-frame transmission structures below the existing phase conductors. The length of the transmission line crossing the Connecticut River is approximately 775 feet.

CVPS has stated that the installation methods to be used in the stringing of the fiber optic cable will avoid any impacts to any wetlands in the areas of the crossing. The Commission understands no state or federal wetland permit will be needed.

CVPS has attested, and Staff agrees, that the installation of the ADSS cable will meet or exceed the requirements of the National Electrical Safety Code (NESC). CVPS has stated, and Staff agrees, that the rights, use and enjoyment by the public of these public waters will not be

substantially affected as a result of the proposed overhead fiber optic cable crossing.

We find such crossing necessary for CVPS to meet its obligation to provide reliable electric service. Accordingly, we find that the crossing is in the public good. We will approve the petition on a Nisi basis in order to provide any interested party the opportunity to submit comments on said petition or to request a hearing.

Based upon the foregoing, it is hereby

ORDERED NISI, that CVPS is authorized, pursuant to RSA 371:17 et seq., to construct, maintain, and operate the aerial fiber optic cable over and across the Connecticut River in Hinsdale, New Hampshire depicted on drawings submitted October 9, 2001, and on file with this Commission; and it is

FURTHER ORDERED, that all construction and future reconstruction to this approved crossing shall conform to the requirements of the NESC and all other applicable safety standards in existence at that time; and it is

FURTHER ORDERED, that the Petitioner shall cause a copy of this Order Nisi to be sent to the Hinsdale town clerk; to the New Hampshire Attorney General pursuant to RSA 371:19; and be published once in a statewide newspaper of general circulation or of circulation in those portions of the state

where operations are conducted; such publication to be no later than October 29, 2001 and to be documented by affidavit filed with this office on or before November 12, 2001; and it is

FURTHER ORDERED, that all persons interested in responding to this petition be notified that they may submit their comments or file a written request for a hearing on this matter before the Commission no later than November 8, 2001; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than November 13, 2001; and it is

FURTHER ORDERED, that this Order Nisi shall be effective November 19, 2001, unless the Commission provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New
Hampshire this nineteenth day of October, 2001.

Thomas B. Getz
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Claire D. DiCicco
Assistant Secretary